



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

SOUTHWEST REGIONAL OFFICE  
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Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director  
(804) 698-4020

Jeffrey Hurst  
Regional Director

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
AMENDMENT TO ORDER BY CONSENT  
ISSUED TO  
BVU AUTHORITY  
FOR  
UNPERMITTED DISCHARGES**

**SECTION A: Purpose**

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 62.1-44.15, between the Department of Environmental Quality and the BVU Authority, regarding its sewage collection system, for the purpose of revising certain provisions of the Order by Consent (Order) and Amendment issued to the BVU Authority on February 8, 2019 and March 9, 2021, respectively. This Amendment supersedes and terminates the Amendment issued by the State Water Control Board to BVU Authority on March 9, 2021. In 2022, the Virginia General Assembly passed Senate Bill 657, which transferred the authority to issue consent special orders from the State Water Control Board to the Department.

**SECTION B: Basis for Amendment**

1. The BVU Authority (BVUA or Authority) owns and operates a sewage collection system located in Bristol, Virginia and in a portion of Washington County, Virginia, which serves approximately 7,652 customers. The Authority's collection system includes 110 miles of sewer line, two lift stations, and 2,770 manholes. Sewage is ultimately directed to and treated at a wastewater treatment plant located in and permitted by the State of Tennessee.

2. The State Water Control Board (Board) entered into the Order with BVUA, effective February 8, 2019, due to continued occurrences of sanitary sewer overflows within the Authority's sewage collection system.
3. Due to scheduling issues, BVUA requested changes to the order of some projects required by the Appendix A Schedule of Compliance contained within the Order and an extension of deadlines for completion of the work required by those projects.
4. On March 9, 2021, the Board entered into an Amendment with BVUA, which revised the Appendix A Schedule of Compliance contained within the Order.
5. On August 2, 2022, BVUA provided notification to DEQ regarding delays in meeting some of the deadlines established by the Order and the March 9, 2021 Amendment.
6. The Authority has requested an extension of some of the deadlines established by the Order and the March 9, 2021 Amendment. The changes are necessary due to unforeseeable delays, by the Authority's contractor, associated with permitting issues regarding proposed construction activities within a railroad right-of-way. A conflict with an existing gas utility also contributed to the delays.
7. Based on the information available to DEQ to date, BVUA is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

**SECTION C: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 62.1-44.15, the Department orders the BVU Authority, and the BVU Authority agrees to:

Perform the actions described in Appendices A and B of this Amendment, which supersedes and terminates the March 9, 2021 Amendment and supersedes Appendix B of the February 8, 2019 Order. Both the Department and the BVU Authority understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this 06 day of April, 2023.



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Jeffrey L. Hurst, Regional Director  
Department of Environmental Quality

The BVU Authority voluntarily agrees to the issuance of this Order.

Date: 1/25/2023 By: Donald L Bowman, Pres & CEO  
(Person) (Title)  
BVU Authority

Commonwealth of Virginia

City/County of Washington

The foregoing document was signed and acknowledged before me this 25<sup>th</sup> day of

January, 2023, by Donald L. Bowman who is

President & CEO of the BVU Authority, on behalf of the Authority.

Amanda Gail Mast  
Notary Public

7504937

Registration No.

My commission expires: 12/31/2023

Notary seal:



## **APPENDIX A SCHEDULE OF COMPLIANCE**

BVUA agrees to implement the following actions contained in the “Beaver Creek Interceptor Analysis and Modeling Preliminary Engineering Report” dated April 2018 and received by DEQ on June 18, 2018, and the BVUA Revised Draft Consent Order Schedule dated November 9, 2018 and received by DEQ by electronic transmittal on November 9, 2018, as they relate to the VCWRLF project for sewer collection system I/I repair and/or replacement work, by the dates noted below:

### **BEAVER CREEK INTERCEPTOR**

1. Submit final design plans and specifications for the selected Phase 1 rehabilitation projects within Sewer Shed Basin Area 1107 to DEQ.....Completed
2. Obtain DEQ Approval of Plans and Specifications\*.....Completed
3. Advertise the selected Phase 1 rehabilitation projects within Sewer Shed Basin Area 1107  
.....Completed
4. Award contract, issue Notice to Proceed and begin construction.....Completed
5. Achieve Substantial Completion.....Completed
6. Achieve Final Completion of the selected Phase 1 rehabilitation projects within Sewer Shed Basin Area 1107.....Completed
7. Submit PER for Phase 1 Flow Equalization (“FEQ”) Basin to DEQ.....Completed
8. Submit final design plans and specifications for the Phase 1 FEQ Basin to DEQ...Completed
9. Obtain DEQ Approval of Plans and Specifications\*.....April 3, 2023
10. Advertise Phase 1 FEQ Basin.....April 16, 2023
11. Award contract, issue Notice to Proceed and begin construction.....July 20, 2023
12. Achieve Substantial Completion of Phase 1 FEQ Basin.....October 25, 2024
13. Achieve Final Completion of Phase 1 FEQ Basin.....November 29, 2024
14. Submit final design plans and specifications for the Beaver Creek Interceptor Rehabilitation Project Phase 1, located with the 782 Sewer Shed Basin.....Completed
15. Obtain DEQ Approval of Plans and Specifications\*.....February 17, 2023

16. Advertise the Beaver Creek Interceptor Rehabilitation Project Phase 1, located within the 782 Sewer Shed Basin .....February 19, 2023
17. Award contract, issue Notice to Proceed and begin construction of the Beaver Creek Rehabilitation Project Phase 1, located within the 782 Sewer Shed Basin.....May 11, 2023
18. Achieve Substantial Completion of the Beaver Creek Rehabilitation Project Phase 1, located within the 782 Sewer Shed Basin.....May 15, 2024
19. Achieve Final Completion of the Beaver Creek Rehabilitation Project Phase 1, located within the 782 Sewer Shed Basin.....June 15, 2024
20. Submit final design plans and specifications for the selected rehabilitation projects within Sewer Shed Basin Area 1568 to DEQ.....July 5, 2023
21. Obtain DEQ Approval of Plans and Specifications\* .....August 7, 2023
22. Advertise the selected rehabilitation projects within Sewer Shed Basin Area 1568 .....  
.....September 3, 2023
23. Award contract, issue Notice to Proceed and begin construction.....November 2, 2023
24. Achieve Substantial Completion.....December 6, 2024
25. Achieve Final Completion of the selected rehabilitation projects within Sewer Shed Basin Area 1568 .....January 17, 2025
26. Submit final design plans and specifications for the selected rehabilitation projects within Sewer Shed Basin Area 1301 to DEQ.....May 1, 2024
27. Obtain DEQ Approval of Plans and Specifications\* .....June 1, 2024
28. Advertise the selected rehabilitation projects within Sewer Shed Basin Area 1301 .....  
.....March 15, 2025
29. Award contract, issue Notice to Proceed and begin construction.....July 1, 2025
30. Achieve Substantial Completion.....June 1, 2026
31. Achieve Final Completion of the selected rehabilitation projects within Sewer Shed Basin Area 1301.....July 1, 2026
32. Submit final design plans and specifications for selected rehabilitation/replacement Beaver Creek Interceptor projects to DEQ.....May 1, 2027
33. Obtain DEQ Approval of Plans and Specifications\* .....June 1, 2027

34. Advertise the selected rehabilitation/replacement Beaver Creek Interceptor projects .....March 15, 2028
35. Award contract, issue Notice to Proceed and begin construction of the selected rehabilitation/replacement Beaver Creek Interceptor projects.....July 1, 2028
36. Achieve Substantial Completion of the selected rehabilitation/replacement Beaver Creek Interceptor projects.....November 1, 2029
37. Achieve Final Completion of the selected rehabilitation work on the Beaver Creek Interceptor.....December 1, 2029
38. Notify DEQ in writing within ten days of completion of any item noted in Items 1 through 37 above.
39. Submit quarterly progress reports to the SWRO. The reports shall be received no later than the 10<sup>th</sup> day of the month following the quarter. For example, the report, for the reporting period January 1, 2023 through March 31, 2023, shall be due on April 10, 2023.
40. Unless otherwise specified in this Order, the BVU Authority shall submit all requirements of Appendix A of this Order to:

Ruby Scott  
Compliance Auditor  
VA DEQ – Southwest Regional Office  
355-A Deadmore Street  
Abingdon, Virginia 24210  
Phone: (276) 477-9891  
[ruby.scott@deq.virginia.gov](mailto:ruby.scott@deq.virginia.gov)

- \* Upon approval by DEQ, said documents/schedules shall become an enforceable part of this Order, as stated in Item 12 of Section E, Administrative Provisions, of the Order.



## **APPENDIX B SCHEDULE OF COMPLIANCE**

BVUA agrees to implement the following actions contained in the BVUA Revised Draft Consent Order Schedule dated November 9, 2018 and received by DEQ by electronic transmittal on November 9, 2018, as they relate to the VCWRLF project for sewer collection system I/I repair and/or replacement work, by the dates noted below:

### **LITTLE CREEK INTERCEPTOR**

1. Submit final design plans and specifications.....Completed
2. Obtain DEQ Approval of Plans and Specifications\*.....Completed
3. Advertise Little Creek Interceptor Project.....Completed
4. Award contract, issue Notice to Proceed and begin construction.....Completed
5. Achieve Substantial Completion of project.....April 3, 2023
6. Achieve Final Completion of project.....May 3, 2023
7. Notify DEQ in writing within ten days of completion of any item noted in Items 1 through 6 above.
8. Submit quarterly progress reports to the SWRO. The reports shall be received no later than the 10<sup>th</sup> day of the month following the quarter. For example, the report, for the reporting period January 1, 2023 through March 31, 2023, shall be due on April 10, 2023.
9. Unless otherwise specified in this Order, the BVU Authority shall submit all requirements of Appendix B of this Order to:

Ruby Scott  
Compliance Auditor  
VA DEQ – Southwest Regional Office  
355-A Deadmore Street  
Abingdon, Virginia 24210  
Phone: (276) 477-9891  
[ruby.scott@deq.virginia.gov](mailto:ruby.scott@deq.virginia.gov)

- \* Upon approval by DEQ, said documents/schedules shall become an enforceable part of this Order, as stated in Item 12 of Section E, Administrative Provisions, of the Order.